IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 21502 of 2004

Between:

V. Venkata Narayana Reddy, S/o. V. Venkata Reddy,
R/o. Dasanivandlapalli, N.P. Kunta Mandal, Kadiri Taluq, Anantapur.

..... PETITIONER

AND

1 The Commissioner, Civil Supplies Civil Supplies Bhavan,
Somajiguda, Hyderabad.
2 The Joint Collector, Anantapur District, Anantapur.
3 The Revenue Divisional Officer, Penukonda, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 2nd respondent in rejecting to grant stay in the appeal filed by the petitioner vide Proceedings Rc.No. K4/1297/2004 dated 4-11-2004 as illegal, arbitrary, unjust and consequently set aside the same the proceedings of the 3rd respondent bearing Sl.No. 16/44/04 dated 27-10-2004 and to pass

Counsel for the Petitioner: MR.M.HARSHAVARDHAN

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner was appointed as a Fair Price Shop Dealer for Dasanivandlapalli Village of N.P.Kunta Mandal, Anantapur District. His authorization was suspended by the 3rd respondent through proceedings, dated 27.10.2004. Aggrieved thereby, the petitioner filed an appeal before the 2nd respondent together with an application for interim orders. The 2nd respondent passed an order, dated 04.11.2004, rejecting the application for stay. Petitioner challenges the same in this writ petition and seeks appropriate relief.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The authorization of the petitioner was suspended after issuing a notice to him. There are certain allegations as to diversion of rice and sugar to black market. The question as to whether the allegations against the petitioner are true, needs to be considered at the final enquiry to be conducted by the 3rd respondent. It is true that the 2nd respondent did not furnish any reasons while rejecting the application for grant of stay. In a way, it discloses non-application of mind. Be that as it may, having regard to the fact that there are allegations of diversion of substantial quantities of rice and sugar, this Court is not inclined to suspend the operation of the order, dated 27.10.2004, instead the 3rd respondent can be required to expedite the enquiry into the allegations against the petitioner, and dispose of the same, as expeditiously as possible. In such an event, the appeal before the 2nd respondent would become infructuous.

Hence, the writ petition is disposed of directing that the 3rd respondent shall expedite the enquiry into the charges against the petitioner, and pass appropriate orders, within three weeks from the date of receipt of a copy of this order, without waiting for disposal of the appeal pending before the 2nd respondent. It is also made

clear that the 2nd respondent does not have to proceed with the appeal in view of this direction. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 25th November, 2004

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To

1 The Commissioner, Civil Supplies, Civil Supplies Bhavan,
Somajiguda, Hyderabad.

2 The Joint Collector, Anantapur District, Anantapur.
3 The Revenue Divisional Officer, Penukonda, Anantapur District.

4. 2CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad(OUT)

5. 2CD copies

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 21502 of 2004

Dated: 25th November, 2004